

UNITED STATES DISTRICT COURT
for
EASTERN DISTRICT OF NORTH CAROLINA
SOUTHERN DIVISION

U.S.A. vs. Leroy Merle Hurd, III

Docket No. 7:09-MJ-1116-1

Petition for Action on Probation

COMES NOW Djoni B. Barrett, probation officer of the court, presenting a petition for modification of the Judgment and Commitment Order of Leroy Merle Hurd, III, who, upon an earlier plea of guilty to Level 5 Driving While Impaired, in violation of 18 U.S.C. 13, N.C.G.S. 20-138-1, was sentenced by the Honorable Robert B. Jones, Jr., U.S. Magistrate Judge, on August 11, 2010, to a 12-month term of probation under the standard conditions adopted by the court and the following additional conditions:

1. The defendant shall perform 24 hours of community service as directed by the probation office and if referred for placement and monitoring by the State of North Carolina, pay the required \$200 fee.
2. The defendant shall participate in any drug/alcohol program as recommended by the supervising probation officer.
3. The defendant shall obtain a substance abuse assessment from an appropriate mental health facility within thirty (30) days from the date of this judgment and complete any prescribed treatment program. The defendant must pay the assessment fee and any added treatment fees that may be charged by the facility.
4. The defendant shall surrender his North Carolina driver's license to the Clerk of this Court for mailing to the North Carolina Division of Motor Vehicles and not operate a motor vehicle on the highways of the State of North Carolina except in accordance with the terms and conditions of a limited driving privilege issued by the appropriate North Carolina Judicial Official.
5. The defendant shall pay a special assessment of \$10 and a fine of \$200.

On October 1, 2010, a Violation Report was submitted to the court reporting the defendant had been charged with Driving While License Revoked in Onslow County, North Carolina. The probation officer recommended, and the court agreed, to hold this violation in abeyance and allow supervision to continue. The state charge remains pending in Onslow County District Court.

On February 11, 2011, a Petition for Action on Probation was approved by the court for modification of the defendant's probation to include mental health treatment. This modification request was made by the probation officer due to the defendant's 20-day hospitalization at Duplin Memorial Hospital psychiatric ward for depression and suicidal ideation.

**RESPECTFULLY PRESENTING PETITION FOR ACTION OF COURT FOR
CAUSE AS FOLLOWS:**

On March 1, 2011, the defendant was referred to our contract vendor, Coastal Carolina Neuropsychiatric Center, for mental health treatment. To date, the defendant has complied with recommended mental health treatment. On March 3, 2011, the defendant moved back into his parent's residence due to financial hardship. The defendant is unemployed and is dependent on family members to provide basic support and transportation.

The defendant is scheduled to expire from probation on August 10, 2011. He has paid the special assessment and \$90 of the original \$200 fine. The defendant's inability to satisfy the court indebtedness is not viewed as willful. In the interest of justice, the probation officer is recommending the fine balance of \$110 be remitted. The SAUSA's Office was consulted and voiced no objection to the proposal.

PRAYING THAT THE COURT WILL ORDER that probation be modified as follows:

The balance of the original court fine (\$110) is hereby remitted.

Except as herein modified, the judgment shall remain in full force and effect.

Reviewed and approved,

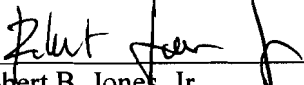
/s/ Kevin L. Connolley
Kevin L. Connolley
Supervising U.S. Probation Officer

I declare under penalty of perjury that the foregoing is true and correct.

/s/ Djoni B. Barrett
Djoni B. Barrett
U.S. Probation Officer
472-C Western Blvd.
Jacksonville, NC 28546-6862
Phone: (910) 347-9038
Executed On: July 22, 2011

ORDER OF COURT

Considered and ordered this 25 day of July, 2011, and ordered filed and made a part of the records in the above case.


Robert B. Jones, Jr.
U.S. Magistrate Judge